

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

RODERICK SAWYER,) 3:10-cv-00088-ECR-WGC
)
Plaintiff,) MINUTES OF THE COURT
)
vs.) DATE: February 17, 2012
)
MORROW COLE, et al.,)
)
Defendant(s).)
_____)

PRESENT: _____ EDWARD C. REED, JR. _____ U. S. DISTRICT JUDGE

Judicial Assistant: Candace Knab Reporter: NONE APPEARING

Counsel for Plaintiff(s) _____ NONE APPEARING

Counsel for Defendant(s) _____ NONE APPEARING

MINUTE ORDER IN CHAMBERS

On January 18, 2012, the Magistrate Judge filed a Report and Recommendation (#51) recommending that Defendants' Partial Motion to Dismiss (#39), filed on August 22, 2011, on Plaintiff's be granted. No objections were filed.

IT IS, THEREFORE, HEREBY ORDERED that the Magistrate Judge's Report and Recommendation (#51) is well taken and is **APPROVED** and **ADOPTED**. Plaintiff failed to properly exhaust available administrative remedies with respect to the following allegations: (1) inadequate medical care; (2) infestation of bugs in his cell; (3) inability to flush the toilet more often than once every thirty minutes; (4) freezing cell; and (5) unsanitary receipt of food through food slot.

IT IS FURTHER ORDERED that Defendants' Partial Motion to Dismiss (#39) be **GRANTED**. The following claims are **DISMISSED WITHOUT PREJUDICE**: (1) inadequate medical care; (2) infestation of bugs in his cell; (3) inability

to flush the toilet more often than once every thirty minutes; (4) freezing cell; and (5) unsanitary receipt of food through food slot.

IT IS FURTHER ORDERED that the matter of producing a scheduling order is **REFERRED** to the Magistrate Judge.

LANCE S. WILSON, CLERK

By _____/s/_____
Deputy Clerk